

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

DATE OF DECISION: 10.8.2006

Oriental Insurance Company Limited

...Appellant

versus

Smt.Emna and others

... Respondents

CORAM:- Hon'ble Mr. Justice Uma Nath Singh.
Hon'ble Mr. Justice S.D.Anand.

Present: Mr.Sanjiv Pabbi, Advocate,
for the appellant.

UMA NATH SINGH, J.

This judgment shall also dispose of connected FAO No.3659 of 2006 (Oriental Insurance Company Limited versus Smt.Wakila and others), as both the appeals arise out a common award dated 9.5.2006 passed by learned Presiding Officer, Motor Accident Claims Tribunal, Yamunanagar at Jagadhri, in MACT Case Nos.112 & 113 of 2004, awarding a sum of Rs.3,91,500/-, separately, on two counts in respect of two deaths of agricultural labourers, said to be travelling in the trolley of the tractor.

Admittedly, the tractor had been insured also for agricultural purposes. Neither in the Motor Vehicles Act, 1988 (for short 'the Act'), nor in its Rules, there is a provision for separate insurance of the trolley. Besides, the definition of light motor vehicle under Section 2(21) of the Act, includes a tractor. The Act does not define 'the trolley' but only 'the trailer' under Section 2(46) of the Act. On being asked, learned counsel is not in a position to point out from the rules as to whether it is

mandatory that the trolley should be separately insured. Learned counsel referred to a judgment of Hon'ble the Apex Court reported in 2004 ACJ 1909 (National Insurance Company Limited versus V.Chinnamma and others), to contend that trolley is covered under the definition given in Section 2(46) of the Act but he also admits that Hon'ble the Supreme Court has exonerated the insurance company holding that the trolley was being used for business purpose and not for agricultural purpose, whereas in the instant case, there is a categoric finding and also evidence on record to show that the trolley in question was being used only for agricultural purpose. Thus, his only submission that the trolley was not insured with the tractor and the deceased were travelling in the said trolley, therefore, the insurance company would not be liable to pay the compensation, does not find favour with the Court, in view of the aforesaid discussion.

Accordingly, both the appeals, being devoid of merits, are, hereby, dismissed.

(UMA NATH SINGH)
JUDGE

August 10, 2006
pk

(S.D.ANAND)
JUDGE

